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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,946	03/19/2004	Joseph A. Manico	87489NAB	8070

7590 04/06/2009  
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EXAMINER
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PASIEWICZ, DANIEL M

ART UNIT	PAPER NUMBER
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2622

MAIL DATE	DELIVERY MODE
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04/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/804,946	<b>Applicant(s)</b> MANICO ET AL.	
	<b>Examiner</b> DANIEL M. PASIEWICZ	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,8-30 and 32-43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,8-30 and 32-43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/18/2008 have been fully considered but they are not persuasive.
2. The Examiner notes that claims 1, 22, 30 and 40 has been amended changing the scope of the claim. Additionally, claim 23 has been amended to change the scope in a way where the preamble now comprises limitations of the claim and will be construed as if in the balance of the claim. See MPEP 2111.02. Thus, the new rejections below are necessitated by amendment. However, the Examiner has addressed Applicant's arguments below that relate to the portions of the rejection maintained by the Examiner.
3. With respect to the prior art Applicant states "[i]t is important to realize that in Bloch the video camera is operated for a preset period to capture a timed sequence of video that is fed directly to a videodisc for sale to the customer". Applicant then cites a portion of Bloch which allegedly discloses support for this statement.
4. The Examiner respectfully disagrees with Applicant's interpretation of Bloch. The cited portion provides evidence that users "**perform in front of the camera** for a preset limited time period, at the end of which time the user is dispensed a videocassette". This gives no indication as to the operation time of the camera, or that the video captured by said camera is fed directly to the videodisc provided to the customer as alleged by Applicant. Review of Bloch clearly states the captured video provided to processors that add graphics, such as background sequences or text prior to it being

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fed to a video disc. Also, the apparatus of Bloch provides means to indicate to the user when the camera is recording because the video capture need not be directly related to the duration of the background sequences (column 10 lines 27-43). Thus, one can not conclude that Bloch merely records a video sequence for a preset period and stores it in a videodisc.

5. Applicant also states that col. 2, lines 47-51 of Bloch indicate that "while the optional background, audio or character sequences may be pre-recorded, the video sequence captured by the video camera is always live and saved only on the output videodisc".

6. The Examiner respectfully disagrees with Applicant's argument. Column 10 lines 53-59 of Bloch states the graphics can be added to the recorded sequence by using RAM 153 as a frame buffer. One of ordinary skill in the art recognizes that a frame buffer stored a complete frame/image that is to be output to a device, usually comprising a monitor, memory or processor. In this case Bloch states the frame buffer is for generate the images for the monitor or recording (i.e. memory).

7. With respect to **claims 1, 30 and 40** Applicant argues "that the 'frame buffer' is used to store graphics, and not a plurality of image sequences" citing column 9 lines 35-44 of Bloch. The Examiner respectfully disagrees as Bloch states the system "can be used to generate graphics on the booth monitor 37 and/or onto the recording by setting aside part of the RAM 153 on the microprocessor board 143 (FIG. 14) as a frame buffer". Thus, the RAM is not merely used to store the graphics as Applicant alleged. Again, one of ordinary skill in the art recognizes that a frame buffer stored a

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**complete** frame/image that is to be output to a device, usually comprising a monitor, memory or processor. In this case Bloch states the frame buffer is for generate the images for the monitor or recording (i.e. memory). And in both cases this complete image provided to the monitor or memory would comprise the complete composite image of the sequence.

8. Additionally, with respect to **claims 1, 30 and 40** Applicant argues Bloch captures a single live video and “is understood to be incapable of producing a plurality of image sequences, much less storing and arranging them into a playback presentation”.

9. The Examiner respectfully disagrees with Applicant’s argument. Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As written the claim does not define what comprises an image sequence. It also does not state that the image sequence must be captured and stored and “then later insert[ed]...into a presentation” as Applicant alleges. As the claim is written broadly enough each scene captured may be interpreted by the Examiner as an image sequence. Bloch discloses a plurality of scenes may be captured to make the presentation (column 9 lines 60-64 and column 10 lines 27-40).

10. Additionally, Applicant argues Bloch has “no disclosure or suggestion of a storage device capable of storing the digital motion images”.

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11. The Examiner respectfully disagrees. Bloch discloses a digital memory (RAM 153) in column 10 lines 53-59 which works as a **frame buffer**, therefore Bloch discloses a storage device capable of storing digital motion images. Additionally, Bloch makes multiple references to digital processing (column 5 lines 1-3 and column 8 lines 47-54) and that other equipment, which includes the storage for the composite video, may be used that may or may not have been developed at the time of Bloch (column 44-47 and column 10 line 66 through column 11 line 4); therefore, Bloch also suggests a storage device capable of storing the digital motion images.

12. With respect to **claim 18** Applicant traverses the Examiner Official Notice to the concept and advantage of video wipes simulate zooming and panning as "wiping is a gradual spatial transition from one image to another image" and "[m]ost often one image is replaced by another with a distinct edge" thus, "it is not common knowledge or clear and unmistakable that video wipes teach the zooming and panning of Claim 18".

13. As evidence of the Examiner's Official Notice Applicant is directed to page 10 lines 3-6 and lines 16-21 of Applicant's specification. These sections discuss transitions between images with respect to U.S. Patent 6,292,219 published Sep. 18, 2001 and "The Civil War" by Ken Burns. The Examiner notes that "The Civil War" was first broadcast on PBS from September 23 to September 27, 1990. Thus, both of these patents are evidence that wipes which simulate panning and zooming were known at the time of Applicant's invention. As the claim requires a processor "to simulate camera motion of the background image sequence" (see claim 17) and "the camera motion includes zooming and panning", a wipe which simulates zooming and panning, as

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evidenced by U.S. Patent 6,292,219 and the documentary "The Civil War", meets the limitations of claim 18.

14. In view of Applicant's amendments the previously presented double patenting rejection has been withdrawn.

15. Also, the Applicant did not traverse the Official Notice taken in the rejection of claims 3, 5, 7, 8, 10, 23 and 36, thus the concepts and advantages listed below are well known and expected in the art and are considered admitted prior art by the Applicant.

- "storing video presentations on video discs"
- "storing video presentations on optical mediums"
- "storing video presentations on solid state mediums"
- "using a camera comprising a CCD sensor"
- "updating firmware over a wired or wireless port connection including connection via the internet"
- "storing video presentations on digital memory"
- "updating firmware over a network"

***Claim Rejections - 35 USC § 102***

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**17. Claims 33-35 and 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,688,105 to Bloch et al.**

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18. With respect to **claim 33 Bloch** discloses, in Fig. 1-15, a method for forming a presentation (composite video picture) comprising a set of image sequences captured using an electronic camera (abstract), the method comprising: (a) obtaining programmed instructions for capturing members of the set of image sequences (column 5 lines 45-56 and column 6 lines 57-62); (b) assembling an electronic storyboard, according to the programmed instructions, comprising a plan for the arrangement of said members of the set of image sequences made at least in part before their capture (column 4 lines 35-45, column 5 lines 45-56 and column 11 lines 22-37; where the prerecorded backgrounds are assembled with the recorded video of the user to make the presentation); (c) prompting the camera operator to obtain individual members of said set of said image sequences by displaying operator instructions to the camera operator (column 5 lines 26-29 and 40-45; where cues for user interaction are provided to instruct the user what needs to be done to complete the presentation); (d) storing said set of said image sequences in a memory (column 10 lines 53-59; where the RAM is used to store the recorded images so graphics can be added); (e) assembling the presentation using said set of said image sequences, according to said electronic storyboard (column 10 lines 53-59; where instructions from the videodisc are used to add the graphics where required); and (f) recording the presentation onto a storage medium (column 3 lines 49-53; where the final composite video is recorded on a VHS or Beta videotape cassette).

19. With respect to **claim 34 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of obtaining programmed



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instructions comprises the step of reading a magnetic medium (column 12 lines 23-31; where the control information maybe provided from a magnetic medium comprising a flexible disk).

20. With respect to **claim 35 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of obtaining programmed instructions comprises the step of reading an optical medium (column 4 lines 43-45).

21. With respect to **claim 37 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of assembling an electronic storyboard further comprises the step of obtaining operator responses to prompts (column 5 lines 57-65).

22. With respect to **claim 38 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 further comprising the step of obtaining stored images for use in the presentation (column 4 lines 35-45; where images stored on the VDP 42 are obtained for use in the presentation).

23. With respect to **claim 39 Bloch** discloses, in Fig. 1-15, a method for forming a presentation according to claim 33 wherein the step of assembling the presentation further comprises the steps of: (a) loading into the memory at least one pre-stored image not obtained from the camera; and (b) using said at least one pre-stored image as part of the presentation (column 4 lines 35-45; where images stored on the VDP 42 are obtained for use in the presentation).

***Claim Rejections - 35 USC § 103***

24. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**25. Claims 1, 4, 8-30, 32, 36 and 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,688,105 to Bloch et al.**

26. With respect to **claim 1 Bloch** discloses, in Fig. 1-15, an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences as part of a video program prepared by a camera operator (Abstract), the system comprising: (a) a camera (49) operated by the camera operator for capturing the plurality of said image sequences (column 4 lines 39-43, column 5 lines 50-56, column 6 lines 57-62 and column 9 lines 28-33; where the user controls the camera in various way, such as controlling the zoom position or by which background sequence they choose); (b) a random-access electronic memory (153) for temporary storage of the plurality of said image sequences (column 10 lines 53-59); (c) an input reader (45) for accepting pre-programmed instructions from a first storage medium (42) as enabled by the camera operator, said pre-programmed instructions being suited for, and differentiated by, a particular theme or event of interest as represented by the video program (column 4 lines 43-45, column 9 line 22 through column 10 line 32 and column 11 lines 22-37; where a prerecorded background option is selected by the user, this background option comprises a video sequence stored on a videodisc that has the control instructions encoded into it; these control instructions are read by the MCU which then performs corresponding control of the system); (d) a

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control panel comprising: (i) a display (37) for viewing said image sequences and presenting pre-programmed instructions to the operator (column 5 lines 22-36); and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (column 5 lines 57-65, column 9 lines 28-33 and column 13 lines 9-12); and (e) a control logic processor (45) for executing the pre-programmed instructions and for arranging playback of said presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses (column 9 line 22 through column 10 line 32, column 10 lines 53-59 and column 11 lines 22-37; where the control instructions from the video disc are read by the MCU which then performs corresponding control of the system).

27. **Bloch** does not expressly disclose the camera is a digital camera.

28. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of using a camera comprising a CCD sensor are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a CCD camera, for doing so would allow for instantly creating digital images which are needed for applying graphics by a microprocessor as disclosed by **Bloch** (column 10 lines 53-59), thus reducing the number of parts and cost of the system.

29. With respect to **claim 4 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 wherein said operator interface comprises a touch screen (column 13 lines 9-12).

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30. With respect to **claim 8 Bloch** does not expressly disclose the camera 49 comprises a CCD sensor.

31. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of using a camera comprising a CCD sensor are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a CCD camera, for doing so would allow for instantly creating digital images which are needed for applying graphics by a microprocessor as disclosed by **Bloch** (column 10 lines 53-59), thus reducing the number of parts and cost of the system.

32. With respect to **claim 9 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 wherein said control panel is part of said camera as the control panel is an essential or integral attribute utilized by the user to control the camera.

33. With respect to **claim 10 Bloch** discloses the input reader comprises an input interface section providing input from the video disc, an independent computer recording medium, or from firmware (column 12 lines 27-31).

34. However, **Bloch** does not expressly disclose providing input over a wired or wireless port connection including connection via the internet.

35. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of updating firmware over a wired or wireless port connection including connection via the internet are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided input instructions from downloaded firmware through the internet, for

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doing so would allow the owner of the system to change the prerecorded background sequences of **Bloch** without having to physically travel to the location of the system, thus saving time and travel costs.

36. With respect to **claim 11 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 further comprising an audio recording mechanism (39) (column 5 line 66 through column 6 line 2 and column 9 lines 13-21).

37. With respect to **claim 12 Bloch** discloses, in Fig. 1-15, an image processing system as in claim 1 further comprising an audio playback mechanism (26) (column 6 lines 5-8).

38. With respect to **claim 13 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions provide a plurality of presentation themes that can be selected using the operator interface, each presentation theme having associated pre-programmed instructions (column 5 lines 40-56 and column 11 lines 22-37).

39. With respect to **claim 14 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 13 wherein the pre-programmed instructions for each of the plurality of presentation themes enable graphics corresponding to be selected theme to be selected using the operator interface (column 5 lines 40-56 and column 11 lines 22-37).

40. With respect to **claim 15 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions enable text corresponding to be selected using the operator interface and enable the selected text

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to be included in at least one image sequence of the presentation (column 5 lines 40-56 and column 10 lines 44-52).

41. With respect to **claim 16 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions include a background image sequence and instructions for compositing the background image sequence with a captured image sequence (column 5 lines 40-56 and column 4 lines 35-65).

42. With respect to **claim 17 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 16 wherein the background image sequence includes camera motion and wherein the pre-programmed instructions further include instructions to enable the control logic processor to simulate the camera motion of the background image sequence in at least one captured image sequence (column 4 line 65 through column 5 line 5; where camera wipe may be used, which would simulate camera motion of changing to the next scene).

43. With respect to **claim 18 Bloch** discloses the limitations of claim 17 where the simulated camera motion comprising video wipes.

44. However, **Bloch** does not expressly disclose the camera motion includes zooming and panning.

45. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of video wipes that simulate zooming and panning are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have included wipes that simulate zooming and

panning, for doing so would increase the number of effects one could add to the presentation thus making each presentation more customizable and unique.

46. With respect to **claim 19 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 1 wherein the pre-programmed instructions further include an audio soundtrack (column 6 lines 5-8 and column 8 line 64 through column 9 line 21).

47. With respect to **claim 20 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 19 wherein the control logic processor plays back the audio soundtrack while the camera captures at least one image sequence (column 6 lines 5-8).

48. With respect to **claim 21 Bloch** discloses, in Fig. 1-15, an image processing system according to claim 20 wherein the pre-programmed instructions further include lyrics for a song provided in the audio soundtrack (column 10 lines 44-48).

49. With respect to **claim 22 Bloch** discloses, in Fig. 1-15, an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences as part of a video program prepared by a camera operator (Abstract), the system comprising: (a) a camera (49) operated by the camera operator for capturing the plurality of said image sequences (column 4 lines 39-43, column 5 lines 50-56, column 6 lines 57-62 and column 9 lines 28-33; where the user controls the camera in various way, such as controlling the zoom position or by which background sequence they choose); (b) a random-access electronic memory (153) for temporary storage of the plurality of said image sequences (column 10 lines 53-59); (c) an input reader (45) for accepting pre-programmed instructions from a first storage

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medium (42) as enabled by the camera operator, said pre-programmed instructions being suited for, and differentiated by, a particular theme or event of interest as represented by the video program (column 4 lines 43-45, column 9 line 22 through column 10 line 32 and column 11 lines 22-37; where a prerecorded background option is selected by the user, this background option comprises a video sequence stored on a videodisc that has the control instructions encoded into it; these control instructions are read by the MCU which then performs corresponding control of the system); (d) a control panel comprising: (i) a display (37) for viewing said image sequences and presenting pre-programmed instructions to the operator (column 5 lines 22-36); and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (column 5 lines 57-65, column 9 lines 28-33 and column 13 lines 9-12); and (e) a control logic processor (45) for executing the pre-programmed instructions and for arranging playback of said presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses (column 9 line 22 through column 10 line 32, column 10 lines 53-59 and column 11 lines 22-37; where the control instructions from the video disc are read by the MCU which then performs corresponding control of the system); and (f) an output writer for recording said presentation onto a storage medium comprising a VHS or Beta format (column 3 lines 49-53)

50. **Bloch** does not expressly disclose the camera is a digital camera or recording the presentation onto the same storage medium that stores the pre-programmed instructions which comprised a video disc.



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51. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of using a camera comprising a CCD sensor are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a CCD camera, for doing so would allow for instantly creating digital images which are needed for applying graphics by a microprocessor as disclosed by **Bloch** (column 10 lines 53-59), thus reducing the number of parts and cost of the system. And, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on video discs are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a video disc instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column 11 line 4) and a video disc for recording video sequences had been developed and publicly used at the time of Applicant's invention.

52. With respect to **claim 23 Bloch** discloses, in Fig. 1-15, a portable video camera (49) and audio player (1) for obtaining a plurality of motion video sequences and assembling a presentation including audio according to a set of pre-programmed instruction (column 4 lines 35-45, column 5 lines 37-56 and column 10 lines 27-40; where the motion sequences have been interpreted as the plurality of scene in on composite video that is created, this composite video is created by pre-programmed instructions stored on VDP 42), comprising: a sensor (49) for capturing the plurality of

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motion video sequences (column 14 lines 45-46; where the JVC BY-110 is a three color tube camera); a memory for storing a motion video sequence (column 3 lines 49-53; where video is recorded onto VHS and Beta format tapes); a digital memory for storing an audio recording (column 8 lines 64-66; where the video disc player 42 provided audio stored on video discs); an audio reproduction mechanism (26) for playing the audio recording (column 6 lines 5-7); a control logic processor (45) for executing the pre-programmed instructions and for arranging playback of said presentation from the audio recording and the plurality of said captured motion video sequences stored in said memory (column 9 line 22 through column 10 line 32, column 10 lines 53-59 and column 11 lines 22-37; where the control instructions from the video disc are read by the MCU which then performs corresponding control of the system); and wherein a motion video sequence is captured and stored while the audio reproduction means plays back a stored audio recording (column 6 lines 5-7).

53. **Bloch** does not expressly disclose the memory for storing the motion video sequence is a digital memory or that the video camera is a digital video camera.

54. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on digital memory are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a digital memory instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column

11 line 4) and a digital memory for recording video sequences had been developed and publicly used at the time of Applicant's invention. And, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of using a camera comprising a CCD sensor are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a CCD camera, for doing so would allow for instantly creating digital images which are needed for applying graphics by a microprocessor as disclosed by **Bloch** (column 10 lines 53-59), thus reducing the number of parts and cost of the system.

55. With respect to **claim 24 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a graphical user interface for selectively enabling the capability to record digital images while playing back an audio file (column 13 lines 9-12; where a touch screen is user for controlling the system, thus it is inherent that there is a graphical user interface).

56. With respect to **claim 25 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a storage component (video disc) for storing a background image (column 5 lines 37-40).

57. With respect to **claim 26 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a storage component for storing commands for image processing (column 5 lines 45-56).

58. With respect to **claim 27 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 23 further comprising a storage component for storing previously recorded video segments. (column 5 lines 37-40).

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59. With respect to **claim 28 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 27 wherein said storage component is read-only (column 5 lines 37-40; where the storage component is a video disc which is read only).

60. With respect to **claim 29 Bloch** discloses, in Fig. 1-15, a portable digital video camera and audio player according to claim 27 wherein said storage component is read-write (column 12 lines 27-31; where a computer recording medium such as a flexible disk can be used which is a read-write storage medium).

61. With respect to **claim 30 Bloch** discloses, in Fig. 1-15, an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences as part of a video program prepared by a camera operator (Abstract), the system comprising: (a) a camera (49) operated by the camera operator for capturing the plurality of said image sequences (column 4 lines 39-43, column 5 lines 50-56, column 6 lines 57-62 and column 9 lines 28-33; where the user controls the camera in various way, such as controlling the zoom position or by which background sequence they choose); (b) a random-access electronic memory (153) for temporary storage of the plurality of said image sequences (column 10 lines 53-59); (c) an input reader (45) for accepting pre-programmed instructions from a first storage medium (42) as enabled by the camera operator, said pre-programmed instructions being suited for, and differentiated by, a particular theme or event of interest as represented by the video program (column 4 lines 43-45, column 9 line 22 through column 10 line 32 and column 11 lines 22-37; where a prerecorded background option

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is selected by the user, this background option comprises a video sequence stored on a videodisc that has the control instructions encoded into it; these control instructions are read by the MCU which then performs corresponding control of the system); (d) a control panel comprising: (i) a display (37) for viewing said image sequences and presenting pre-programmed instructions to the operator for arranging playback of said presentation from the plurality of said captured image sequences (column 5 lines 22-36); and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (column 5 lines 57-65, column 9 lines 28-33 and column 13 lines 9-12).

62. **Bloch** does not expressly disclose the camera is a digital camera.

63. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of using a camera comprising a CCD sensor are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a CCD camera, for doing so would allow for instantly creating digital images which are needed for applying graphics by a microprocessor as disclosed by **Bloch** (column 10 lines 53-59), thus reducing the number of parts and cost of the system.

64. With respect to **claim 32 Bloch** discloses, in Fig. 1-15, further comprising: (e) an output writer for recording said presentation (column 3 lines 49-53; where the final composite video is recorded on a VHS or Beta videotape cassette).

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65. With respect to **claim 36 Bloch** discloses the control instructions can come from the video disc, an independent computer recording medium, or from firmware (column 12 lines 27-31).

66. However, **Bloch** does not expressly disclose obtaining programmed instructions comprises the step of communicating over a network.

67. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of updating firmware over a network are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided input instructions from downloaded firmware through a network, for doing so would allow the owner of the system to change the prerecorded background sequences of **Bloch** without having to physically travel to the location of the system, thus saving time and travel costs.

68. With respect to **claim 40 Bloch** discloses, in Fig. 1-15, an image processing system for obtaining a plurality of image sequences and assembling a presentation from the plurality of image sequences as part of a video program prepared by a camera operator (Abstract), the system comprising: (a) a camera (49) operated by the camera operator for capturing the plurality of said image sequences (column 4 lines 39-43, column 5 lines 50-56, column 6 lines 57-62 and column 9 lines 28-33; where the user controls the camera in various way, such as controlling the zoom position or by which background sequence they choose); (b) a random-access electronic memory (153) for temporary storage of the plurality of said image sequences (column 10 lines 53-59); (c) an input reader (45) for accepting pre-programmed instructions from a first storage

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medium (42) as enabled by the camera operator, said pre-programmed instructions being suited for, and differentiated by, a particular theme or event of interest as represented by the video program (column 4 lines 43-45, column 9 line 22 through column 10 line 32 and column 11 lines 22-37; where a prerecorded background option is selected by the user, this background option comprises a video sequence stored on a videodisc that has the control instructions encoded into it; these control instructions are read by the MCU which then performs corresponding control of the system); (d) a control panel comprising: (i) a display (37) for viewing said image sequences and presenting pre-programmed instructions to the operator (column 5 lines 22-36); and (ii) an operator interface for accepting operator responses to the pre-programmed instructions (column 5 lines 57-65, column 9 lines 28-33 and column 13 lines 9-12); and (e) a control logic processor (45) for executing the pre-programmed instructions and for arranging playback of said presentation from the plurality of said captured image sequences stored in said random-access electronic memory according to said operator responses (column 9 line 22 through column 10 line 32, column 10 lines 53-59 and column 11 lines 22-37; where the control instructions from the video disc are read by the MCU which then performs corresponding control of the system); and (f) an output writer for recording said presentation onto a second storage medium (column 3 lines 49-53; where the final composite video is recorded on a VHS or Beta videotape cassette).

69. **Bloch** does not expressly disclose the camera is a digital camera.

70. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of using a camera comprising a CCD sensor are well known and expected

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in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a CCD camera, for doing so would allow for instantly creating digital images which are needed for applying graphics by a microprocessor as disclosed by **Bloch** (column 10 lines 53-59), thus reducing the number of parts and cost of the system.

71. With respect to **claim 41 Bloch** discloses the limitations of **claim 40**.

72. **Bloch** does not expressly disclose the second storage medium is an optical medium.

73. However, Official Notice (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on optical mediums are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used an optical medium instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column 11 line 4) and an optical medium for recording video sequences had been developed and publicly used at the time of Applicant's invention.

74. With respect to **claim 42 Bloch** discloses, in Fig. 1-15, wherein said second storage medium is a magnetic medium (column 3 lines 49-53; where VHS tapes are magnetic mediums).

75. With respect to **claim 43 Bloch** discloses the limitations of **claim 40**.



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76. **Bloch** does not expressly disclose the second storage medium is solid state medium.

77. However, **Official Notice** (MPEP § 2144.03) is taken that both the concepts and advantages of storing video presentations on solid state mediums are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have used a solid state medium instead of a VHS or Beta format tape as **Bloch** discloses other media types can be used that are currently in development or which have yet to be developed without altering the principles involved in the invention of **Bloch** (column 3 lines 49-53 and column 10 line 66 through column 11 line 4) and a solid state medium for recording video sequences had been developed and publicly used at the time of Applicant's invention.

### ***Conclusion***

78. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL M. PASIEWICZ whose telephone number is (571)272-5516. The examiner can normally be reached on M-F 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DMP

April 1, 2009

/Sinh N Tran/

Supervisory Patent Examiner, Art Unit 2622